

Bidder's Requirements in regard to the

Buy American Act

under the

American Recovery and Reinvestment Act of 2009 (ARRA)

The Loan Recipient must ensure the bidder is in compliance with the Buy American Act as outlined below.

Buy American Act

Section 1605 of the ARRA requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the **iron, steel, and manufactured goods** used in the project is produced in the United States unless **(a)** a waiver is provided to the recipient by EPA or **(b)** compliance would be inconsistent with United States obligations under international agreements. In order to receive a waiver, the State must send a written request to the Administrator. A decision will be made based on the following criteria:

1. The requirement is inconsistent with the public interest for purposes of the project for which a waiver has been requested,
2. Iron, steel, and necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality, or
3. Inclusion of iron, steel, and manufactured goods produced in the United States will increase the overall cost of the project by more than 25 percent.

If a waiver is granted by the Administrator, EPA will publish such waiver, with a sufficient explanation, in the Federal Register. EPA will provide additional guidance on this provision as it becomes available.

Additional information concerning the Buy American Act can be obtained at the following site:
www.arnet.gov/far/current/html/FARTOCP25.html .